

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AARON ESPENSCHEID,
GARY IDLER, and
MICHAEL CLAY,
on behalf of themselves and a class
of employees and/or former employees
similarly situated,

Plaintiffs,

v.

Case No. 09-cv-625

DIRECTSAT USA, LLC,
and
UNITEK USA, LLC,

Defendants.

PLAINTIFFS' MOTION IN LIMINE III

NOW COME Plaintiffs Aaron Espenscheid, Gary Idler and Michael Clay, on behalf of themselves and a class of similarly situated employees, by their attorneys Gingras Cates & Luebke and Axley Brynelson, LLP, and respectfully submit the following Motion in Limine for trial.

I. Motion in Limine #3: Motion to Exclude Evidence and Argument Regarding Alleged “Side-Jobs” Performed by Technicians.

Plaintiffs expect that Defendants will try to introduce evidence and argument that a small number of technicians performed “side-jobs” in violation of company policy. This case has nothing to do with technicians performing side jobs. This case is about Defendants’ illegal national practices and policies, which have resulted in the substantial deprivation of overtime that is owed to the technicians. Testimony about alleged “side

jobs" would create an irrelevant distraction that is likely to confuse the jury and take up precious time during the trial. See Rule 401, 403, 404(b), 608(b), Fed. R. Evid. In addition, such evidence carries the danger of unduly prejudicing Plaintiffs, as the jury may attribute this alleged wrongdoing to the class as a whole. For these reasons, such evidence and argument should be excluded.

Dated this 6th day of May, 2011.

GINGRAS, CATES & LUEBKE

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